

REMARKS

The above-identified application has been carefully reviewed and amended in light of the Examiner's communication mailed June 4, 2003. A Request for Extension of Time, and required fee, is submitted herewith, extending the period for responding to the Examiner's communication to and including October 4, 2003.

Applicant has canceled claims 23, 24 and 30-34 without prejudice. Applicant expressly reserves the right to seek patent protection based upon these claims or similar claims in one or more later filed related applications.

Applicant has amended independent claim 22 and dependent claims 25, 26 and 29, in order to more clearly define the present invention. New claim 35 has been added and is directed to subject matter for which patent protection is sought. Each of the embodiments defined in the amended claims and the new claim is disclosed in the patent application as filed, for example in the specification and drawings, and therefore do not constitute new matter.

Claim 22 has been amended to incorporate the subject matter of claims 23 and 24 therein. Amended claim 22 now defines the present invention as a set of molding sections useful in molding a contact lens, the set comprising a plurality of first contact lens mold sections each first mold section including a contour which corresponds to a ballast portion of a contact lens, and a plurality of second contact lens mold sections each second mold section including a contour which corresponds to a toric optical zone of a contact lens, and each combination of a first mold section and a second mold section being adapted to be assembled in only a single rotational orientation and being structured to produce a contact

lens. The rotational orientation of the contour which corresponds to the toric optical zone of a contact lens of each second mold section in an assembled first mold section/second mold section combination is different.

The Examiner has rejected claims 22 and 25 to 28 under 35 U.S.C. 102(b) as being anticipated by Hörner et al. Applicant traverses this rejection as is it pertains to the present claims.

Applicant respectfully submits that it is well known that to anticipate a claimed invention under 35 U.S.C. 102, a reference must disclose each and every element of the claim at issue and the elements of the claim must be arranged in the same way to achieve the same result which is asserted to be the inventive function.

Hörner et al does not disclose each and every element of claim 22 as amended. For example, Hörner et al does not disclose a plurality of first contact lens mold sections each first mold section including a contour which corresponds to a ballast portion of a contact lens, a plurality of second mold sections, each second mold section including a contour which corresponds to a toric optical zone, each combination of a first mold section and a second mold section being adapted to be assembled in only a single rotational orientation and being structured to produce a contact lens, and the rotational orientation of the contour which corresponds to the toric optical zone of a contact lens of each second mold section in an assembled first mold section/second mold section combination is different, as recited in presently amended independent claim 22.

Hörner et al states that "two casting mold halves can be joined together in only a very specific orientation". However, Hörner et al does not disclose, teach or even suggest that each

combination of the disclosed mold halves is different in that the rotational orientation of the contour which corresponds to the toric optical zone of a contact lens of each second mold section in an assembled first mold section/second mold section combination is different, as recited in the present claims.

In view of the above, applicant submits that the present claims, and in particular claims 22, and 25 to 28, are not anticipated by Hörner et al under 35 U.S.C. 102.

The Examiner has rejected claims 23, 24 and 29 to 34 under 35 U.S.C. 103(a) as being unpatentable over Hörner et al in view of Kennedy. Applicant traverses this rejection as it pertains to the present claims.

The disclosure and deficiencies of Hörner et al have been discussed previously and are resubmitted here.

Kennedy discloses a contact lens molding apparatus including two mold sections, with one mold section having a contour to provide a ballast on the molded lens to inhibit rotation of the lens in the eye. At column 4, lines 49 to 53 (which passage was specifically cited by the Examiner), Kennedy is as follows:

"As one example, the invention is applicable to toric contact lenses having other ballast means than illustrated for the described embodiment, and for other types of contact lenses having at least one rotationally asymmetric surface."

Kennedy does not disclose, teach or suggest the present invention. For example, like Hörner et al, Kennedy does not

disclose, teach or even suggest a set of mold sections comprising a plurality of first mold sections including a contour corresponding to a ballast portion of a contact lens; and a plurality of second mold sections including a contour corresponding to a toric optical zone of a contact lens, with each combination of a first mold section and a second mold section being adapted to be assembled in only a single rotational orientation, and the rotational orientation of the toric optical zone contour being different in each assembled first mold section/second mold section combination, as recited in the present claims.

Kennedy suggests toric contact lenses with ballasts other than expressly illustrated, and other types of contact lenses (that is lenses which do not include toric optical zones) with one or more rotationally asymmetric surfaces. Kennedy does not even suggest any set of mold sections to produce contact lenses having toric optical zones at different rotational orientations, let along the set of mold sections recited in the present claims. The fact that Kennedy suggests mold sections having contours of other ballast means and of other, non-toric contact lenses, actually teaches away from the present invention.

Applicant submits that a modification of Hörner et al to include the different ballast configurations suggested by Kennedy, would not make obvious the present claims.

Applicant respectfully submits that the present invention, for example as defined in amended claim 22 (which includes the subject matter of original claims 23 and 24), does not represent "a duplication of a known part." A duplication of a known part is simply two or more of the same item. Applicant is not claiming that the inventive set of molding sections comprises a plurality of

the same contact lens mold sections that are useful for molding duplicate, identical toric contact lenses. To the contrary, the present claims are directed to a set of mold sections, set of mold sections structured to be useful in making a plurality of different toric lenses having different rotational orientations.

As noted above, neither Hörner et al nor Kennedy, alone or in any combination, discloses, teaches or even suggests the present invention. The combination of these references provide no motivation or incentive to one of ordinary skill in the art to construct the presently claimed set of contact lens mold sections.

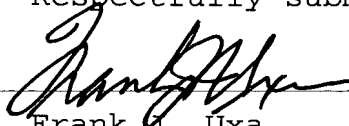
In view of the above, applicant submits that amended claims 22, 25 to 29 and 35 are unobvious from, and are patentable over Hörner et al and Kennedy under 35 U.S.C. 102(b) and 35 U.S.C. 103(a).

Applicant submits that each of the present dependent claims is separately patentable over the prior art. For example, none of the prior art, taken singly or in any combination, disclose, teach, or suggest the present sets of mold sections including the additional feature or features recited in any of the present dependent claims. Therefore, applicant submits that each of the present claims is separately patentable over the prior art.

In conclusion, applicant has shown that claims 22, 25 to 29 and 35 are not anticipated by and are unobvious from and patentable over the prior art under 35 U.S.C. 102 and 35 U.S.C. 103. Therefore, applicant submits that the present claims are allowable and respectfully requests the Examiner to pass the above-identified

application to issuance at an early date. Should any matters remain unresolved, the Examiner is requested to call (collect) applicant's attorney at the telephone number given below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Frank G. Uxa", is written over a horizontal line.

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